

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002P09312WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2003/001951	International filing date (day/month/year) 12 June 2003 (12.06.2003)	Priority date (day/month/year) 17 June 2002 (17.06.2002)
International Patent Classification (IPC) or national classification and IPC H04Q 3/00		
Applicant SIEMENS AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 01 December 2003 (01.12.2003)	Date of completion of this report 20 October 2004 (20.10.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE2003/001951

I. Basis of the report

1. With regard to the elements of the international application:*

☐ the international application as originally filed

☒ the description:

pages _____ 1-14 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

☒ the claims:

pages _____ 1-17 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

☒ the drawings:

pages _____ 1/2-2/2 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	4, 6-8, 12-15	YES
	Claims	1-3, 5, 9-11, 16, 17	NO
Inventive step (IS)	Claims		YES
	Claims	1-17	NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following document:

D1: WO-A-00/76107 (NORTEL NETWORKS LTD)
14 December 2000 (2000-12-14).

1. Claim 1 does not comply with the requirements of PCT Article 33(2), because document D1 discloses **the first embodiment** of the application, in which **the first communication endpoint and the second communication endpoint are identical (see claim 5)**, as explained below:

Document D1 discloses (the references in parentheses are to D1) a method (cf. figures 14 and 15; page 31, line 1 to page 34, line 8) for controlling a connection in a packet-oriented communication network (cf. figure 3: the packet network 106), wherein a signalling control device (cf. the H. 323 agent 1402) of the communication network:

- a) triggers a first of several communication endpoints which are connected by at least one useful data channel (cf. the H. 323 endpoint 1200 and the NAQ. 931 device 1400) to close the at least one useful data channel (cf. the logical channel 2) by transmitting a first signalling

message (cf. figure 14: the TCS = 0 message in line 3; page 31, lines 17 to 18);

- b) transmits a confirmation request message to a second of the communication endpoints (cf. the H. 323 endpoint 1200), **which is identical to the first (see claim 5)**, thereby triggering said second communication endpoint to transmit a confirmation message (cf. the H. 245 CLOSE LOGICAL CHANNEL 2 message in line 7) to the signalling control device (cf. the H. 323 agent 1402) if the at least one useful data channel has been successfully closed; and
- c) upon receipt of the confirmation message, the signalling control device triggers a communication endpoint (cf. the H. 323 endpoint 1200) to open at least one new useful data channel by transmitting a second signalling message (cf. figure 15: the non-empty TCS message in line 5; page 33, lines 2 to 6) (cf. figure 15: the H. 245 OPEN LOGICAL CHANNEL 2 message in line 7; page 33, lines 7 to 14).

The subject matter of claim 1 is therefore not novel (PCT Article 33(2)).

- 2. Claims 16 and 17 define essentially the same subject matter as claim 1. Similar objections are therefore applicable.
- 3. Dependent claims 2-15 do not contain any additional features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step, because each of the additional features is an obvious measure and/or is already known from document D1.